

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

SHARON LANE,

Plaintiff,

v.

SKANSKA USA INC., *et al.*,

Defendants.

Case No. C22-926-RSM

ORDER GRANTING DEFENDANT  
MICROSOFT CORPORATION'S  
UNOPPOSED MOTION TO DISMISS

This matter comes before the Court on Defendant Microsoft Corporation ("Microsoft")'s Motion to Dismiss Plaintiff Sharon Lane's Complaint. Dkt. #30. Defendant Skanska USA Building Inc. ("Skanska") does not oppose the relief requested by Microsoft. Dkt. #33. Plaintiff Sharon Lane has not filed a response and the time for filing such has expired. On April 21, 2023, Microsoft filed a Notice of Non-Opposition indicating the same. Dkt. #34.

"Except for motions for summary judgment, if a party fails to file papers in opposition to a motion, such failure may be considered by the court as an admission that the motion has merit." LCR 7(b)(2). "Failure to follow a district court's local rules is a proper ground for dismissal" if, prior to dismissal, the district court evaluates five factors. *Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir.1995). Courts must explicitly consider (1) the public's interest in expeditious resolution of litigation, (2) the court's need to manage its own docket, (3) the public policy favoring disposition

1 of cases on the merits, (4) the risk of prejudice to the defendant, and (5) the availability of less  
2 drastic sanctions. *Id.* Since Microsoft filed its motion to dismiss, Plaintiff has filed other  
3 motions, indicating she is aware of Microsoft's motion to dismiss. *See* Dkt. #31 (filed 17 days  
4 after Microsoft's motion to dismiss). While courts heavily favor adjudication on the merits of a  
5 case, failure to address the opposing party's legal arguments imposes a burden on both the Court  
6 and the public as it usurps judicial resources from those parties that actively seek to resolve their  
7 disputes. As a failure to file an opposition to a motion to dismiss may be construed as an  
8 admission that dismissal is warranted, dismissal is the appropriate sanction.  
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10 Accordingly, Defendant Microsoft Corporation's Motion to Dismiss Plaintiff Sharon  
11 Lane's Amended Complaint (Dkt. #30) is GRANTED and this action IS DISMISSED  
12 WITH PREJUDICE as to Defendant Microsoft Corporation.  
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15 DATED this 25<sup>th</sup> day of April, 2023.  
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20 RICARDO S. MARTINEZ  
21 UNITED STATES DISTRICT JUDGE  
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